



MICHAEL E. MAUNEY

ATTORNEY AT LAW

REGISTERED BEFORE THE PATENT AND TRADEMARK OFFICE
REGISTRATION NUMBER 33,731

801 N. HOWE STREET
P. O. BOX 10266
SOUTHPORT, N. C. 28461

June 9, 2009

(910) 457-0056
800-206-9044 TOLL FREE
E-MAIL: coastalip@bellsouth.net

Board of Patent Appeals and Interference
US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

Re: Serial # 10/714,471
Notice of Appeal filed 18 October 2007

Dear Sir or Madam:

I represent the inventors in the above application assigned serial number 10/714,471. On October 12, 2007 an appeal was entered in this case. On December 13, 2007 an appeal brief was filed. That filing included a check for \$255.00 for the cost of filing a brief for a small entity. This brief was accompanied by a return receipt postcard. The check that was included on the December 13 mailing and the return receipt postcard were never returned. Subsequent to that, beginning in February 2008, I called the Board of Patent Appeals and spoke with a paralegal on two occasions. On the second occasion this paralegal, Angela Walker, suggested that I fax an examiner a brief. I faxed the brief as well as other materials and then mailed them with a cover sheet to the examiner, Jiping Lu. A copy of the cover sheet with a date of February 26, 2008 is enclosed. In sending the brief to the examiner I waited a period of time before taking any further action. I then called the Board of Appeals again and was told to contact the tech office and the examiner directly. Because of the difficulty of getting a response from the examiner in the past, I did so by writing a letter dated April 9, 2008, a copy is enclosed. This brings me to my purpose in writing.

To date the applicant has never received notice of any kind that the brief was received, the check accompanying the appeal brief has never been cashed, and it is unclear if the appeal has actually been entered. Having contacted the examiner by fax and by letter and having received no response, and now more than a year having passed since the last communication with the examiner, the applicant is writing the Board of Appeals directly to ask for clarification. Is there anything the applicant can do to make sure the applicant's appeal has, in fact, been entered. Apparently, the original appeal brief and materials were lost at the Patent Office. The applicant has sent duplicate materials although the applicant did not send a duplicate check. The applicant stands prepared to cancel the original check and send a new check if that is required. I will appreciate someone determining what needs to be done and advising me. thank you very much for your immediate attention to this.

Very truly yours,

M. Mauney
Michael E. Mauney
Attorney at Law

MEM/sbm
CC: Ali Regimand, Instratek



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application:	Tianqing He et al.	Examiner:	Jiping Lu
Filing Date:	11/15/03	Art Unit:	3749
Serial No:	10/714,471	Appeal No.:	
Invention:	DEVICE AND METHODS FOR RAPID DRYING OF POROUS MATERIALS		

April 9, 2008

Board of Patent Appeals and Interference
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

Re: Filing of Appeal Brief and Fee

Dear Examiner Lu:

On December 13, 2007 I signed and filed an appeal brief. I included in that mailing a check for \$255.00 for the cost of filing a brief for a small entity. I never received the return receipt postcard and the check that was included in the December 13 mailing has never been cashed. I waited a reasonable time until following through and then called the Patent Appeal Board and was advised by a paralegal there that the brief should be faxed to the examiner. The undersigned was told that the board call record number for this call was 1108908910. The undersigned then faxed the brief, proof of mailing of the brief, a photocopy of the check and return receipt postcard all included with the original brief filed in December 2007 as well a Notice of Prior Filing of the appeal brief and fee. At the time of the phone call to the board of patent appeals, the undersigned was told that the delay in acknowledgement of the filing of the brief could have been due to simple administrative delays within the patent office itself and it is possible that the brief and check was received but had not yet been processed. However, more than a month has now passed and the undersigned again called the Board of Patent Appeals and was told to contact the tech office and the examiner directly. I respectfully request guidance from the examiner regarding this lost brief

and whether the check that was originally included should be canceled with a new check issued. I also request guidance as to whether the original brief filed in December 2007 has been received and whether duplicate briefs are required or if there is anything else the undersigned can do to expedite this appeal to make sure that both the brief and fee is timely filed. Thank you very much for your immediate attention to this and for any help you can provide .

This the 9 day of April, 2008.

Michael E. Mauney
Michael E. Mauney
Attorney at Law
Post Office Box 10266
Southport, NC 28461
Telephone (910) 457-0056
Registration #33731



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application: Tianqing He et al. Examiner: Jiping Lu
Filing Date: 11/15/03 Art Unit: 3749
Serial No: 10/714,471 Appeal No.:
Invention: DEVICE AND METHODS FOR RAPID DRYING OF POROUS MATERIALS

February 26, 2008

Board of Patent Appeals and Interference
United States Patent and Trademark Office
Post Office Box 1450
Alexandria, Virginia 22313-1450

Re: Notice of Prior Filing of Appeal Brief and Fee

Dear Sir or Madam:

In accordance with the suggestion of a paralegal at the Board of Patent Appeals, the undersigned is filing with the Examiner by fax a Notice a Brief was timely filed on December 13, 2007 by the undersigned in the above entitled Appeal. Accompanying this Notice is a photocopy of the Return Receipt postcard and check that was filed; a photocopy of the one-page cover letter; a photocopy of a 24-page Brief; a one-page Certificate of Service; a Claim Appendix of three pages; and an Evidence Appendix. The fax again is made at the suggestion of a paralegal in the Board of Appeals who suggested that the delay may be a simple administrative delay but that nevertheless a faxed copy of the Brief should be filed with the Examiner. Please call if you have questions or comments.

This the ____ day of _____, 2008.

Michael E. Mauney
Attorney at Law
Post Office Box 10266
Southport, NC 28461
Telephone (910) 457-0056
Registration #33731



CERTIFICATE OF SERVICE

I, Michael E. Mauney, do hereby certify that a copy of the foregoing Notice of Prior Filing of Appeal Brief has this day been duly served upon:

Jiping Lu
Art Unit 3749
United States Patent and Trademark Office
Alexandria, VA 22313

Said service was made in the following manner:

- () By handing such copy to the aforementioned attorney, or by leaving said copy at the above mentioned attorney's office with a partner or employee of his office.
- () By depositing a copy of the aforementioned document(s) enclosed in a prepaid first class addressed envelope in the U. S. Mail.
- (x) By fax to 571-273-8300.

This the _____ day of _____, 2008.

Michael E. Mauney
Attorney at Law
P.O. Box 10266
Southport, N.C. 28461
1-910-457-0056
Reg. # 33,731
State Bar # 7894